IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 17469 of 2007(D)

PETITIONER:

SOLY SEBASTIAN, D/O. SEBASTIAN,
IMPERIAL TRAVELS, THALIPARAMBA.

BY ADV. SRI.I.DINESH MENON

RESPONDENTS:

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1. THE REGIONAL TRANSPORT AUTHORITY,
KANNUR.

2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, KANNUR.

BY GOVERNMENT PLEADER SMT. ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1: TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER.

EXT.P2: TRUE EXTRACT OF THE PROCEEDINGS OF THE RTA THRISSUR DATED NIL.

EXT.P3: TRUE COPY OF THE PROCEEDINGS OF THE RTA MALAPPURAM DATED 18.12.2002.

EXT.P4: TRUE COPY OF THE PROCEEDINGS OF THE RTA VADAKARA DATED 25.3.2003.

EXT.P5: TRUE COPY OF THE TEMPORARY PERMIT VALID TILL 18.5.2007 DATED 24.4.2007.

EXT.P6: TRUE COPY OF THE TEMPORARTY PERMIT APPLICATION DATED 8.5.2007.

EXT.P7: TRUE COPY OF THE JUDGMENT IN MVAA NO.240/2007 DATED 19.5.2007.

EXT.P8: TRUE COPY OF THE ORDER IN W.P.(C)NO.29482/2006 DATED 29.11.2006.

/TRUE COPY/

PA TO JUDGE.

S.SIRI JAGAN, J.

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W.P.(C).No.17469 of 2007

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Dated this the 26th day of June, 2007

J U D G M E N T

The petitioner applied for a temporary permit pending consideration of his application for renewal of his regular permit. Originally his application was rejected on the ground that the R.T.A. Kazargod, declined concurrence. However, the State Transport Appellate Tribunal, Ernakulam, by Ext.P7 judgment, while upholding the dismissal on the ground that the R.T.A. declined concurrence, held that this is not a ground for declining permit covering the area within the R.T.As. who granted concurrence, provided he is entitled to permit otherwise. Accordingly, the S.T.A.T. directed the Secretary of the R.T.A., Kasargod to grant temporary permit excluding the area of R.T.A, Kazargod, if the same is not in violation of any other rules as to distance etc. Petitioner's contention is that in view of Ext.P8 order of this

court, no concurrence is necessary for temporary permits. Therefore, the petitioner seeks consideration of his Ext.P6 application in the light of Ext.P8 order.

2. The learned Government Pleader, on instructions, submits that the petitioner's application for temporary permit can be disposed of on merits within one month.

3. Having heard both sides, I direct the 2nd respondent to consider Ext.P6 application of the petitioner on merits and pass appropriate orders thereon within one month from the date of receipt of a copy of this judgment. It would be open to the petitioner to produce Ext.P8 order or any other supporting documents in support of his claim.

Writ petition is disposed of as above.

Sd/-
sdk+ S.SIRI JAGAN, JUDGE
///True copy///

P.A. to Judge.